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Application No: 10/604,707

Applicant: Steven L. Carey

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Group Art Unit: 3744

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Title: Thermostat with one button programming feature

Customer No: 33464

Commissioner for Patents
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PRELIMINARY AMENDMENT

Applicants respectfully request amendment of the above application as follows:

Amendments to the Claims per the listing of the claims which begin on page 2.

Remarks which begin on page 4.

PRELIMINARY AMENDMENT

Amendment to the Claims

Please amend the claims as follows:

Listing of Claims

Claim 1 (currently amended): An improved programmable digital thermostat having user input means for selecting a desired temperature setting, the improvement comprising:

activation means for running a single program that continuously controls the daily operation of a thermostat, wherein the program maintains the last user-selected temperature setting during a predetermined non-setback time period that starts and ends at substantially the times a typical occupant awakes and goes to bed respectively, and offsets the last user-selected temperature setting by a single predetermined amount [during] for the duration of a predetermined setback time period [;] that starts and ends at substantially the times a typical occupant goes to bed and awakes respectively;

wherein during a setback time period the user may at any time temporarily raise or lower the temperature setting for a predetermined time period, after which the program returns to the offset temperature setting for the duration of the setback time period; and

wherein the user may select the activation means for continuously controlling the daily operation of the thermostat at any time of day, independent of the start time of a setback time period; and

wherein the activation means is selected by a single action of the user.

Claim 2. (original): The thermostat according to claim 1, wherein the activation means comprises a single button that runs the program when pressed only one time.

Claim 3. (original): The thermostat according to claim 1, wherein the activation means comprises at least two buttons that run the program when simultaneously pressed only one time.

Claim 4. (currently amended): The thermostat according to claim 2, wherein the predetermined non-setback time period ~~[is substantially the time period the user is awake during the day]~~ starts at a time between 5 am and 7 am and ends at a time between 9 pm and 11 pm.

Claim 5. (currently amended): The thermostat according to claim 4, wherein the predetermined setback time period ~~[is substantially the time period the user is asleep during the night]~~ starts at a time between 9 pm and 11 pm and ends at a time between 5 am and 7 am.

Claim 6. (currently amended): The thermostat according to claim 5, wherein the predetermined amount for offsetting the last selected temperature setting is in the range of ~~[5]~~ about 10 to 15 degrees Fahrenheit.

Claims 7-12 (canceled)